

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GEORGE C. SWINYER Jr.,

Plaintiff,

v.

JOHN DOE MORGAN, *et al.*,

Defendants.

Case No. C04-5522RJB

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge J. Kelley Arnold, (Dkt. 100-1) and Plaintiff's Motion for an Order Ordering Prison Officials to Return Plaintiff's Property (Dkt. 101). The Court has considered the Report and Recommendation, the pleadings filed in favor and in opposition to the motion, and the file herein.

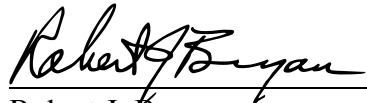
On January 26, 2006, Plaintiff's moved for dismissal of this action without prejudice. Dkt. 98. Defendants did not object. Dkt. 99. Accordingly, the Report and Recommendation urges this action be dismissed without prejudice. Dkt. 100. On March 28, 2006, Plaintiff filed a pleading entitled "Motion for an Order Ordering Prison Officials to Return Plaintiff's Property." Dkt. 101. Defendants Responded on April 7, 2006, stating that the property was being shipped that day, and so the motion was moot. Dkt. 102.

Accordingly, this Court does hereby find and **ORDER**:

- (1) The Report and Recommendation (Dkt. 100-1) is **ADOPTED**;
- (2) Plaintiff's motion to **DISMISS WITHOUT PREJUDICE** (Dkt. 98) is **GRANTED**.

- 1 (3) The Plaintiff's Motion for an Order Ordering Prison Officials to Return Plaintiff's  
2 Property (Dkt. 101) is **DENIED** as **MOOT**.  
3 (4) The clerk is directed to send copies of this Order to Plaintiff, counsel for any  
4 Defendants who have appeared, and to the Hon. J. Kelley Arnold and close this file.

DATED this 18<sup>th</sup> day of April, 2006.

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6 Robert J. Bryan  
7 United States District Judge  
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